

**FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579**

IN THE MATTER OF THE CLAIM OF

RUTH BEARD
by
THE SECOND NATIONAL BANK OF NEW HAVEN
as Attorney-in-fact

Claim No. CU-8741

Decision No. CU-6815

**Under the International Claims Settlement
Act of 1949, as amended**

Petition to reopen; Proposed Decision dated and entered September 15, 1971;
Final Decision entered September 28, 1971.

AMENDED FINAL DECISION

This claim was presented on June 3, 1970 for a loss based upon the ownership of 30 shares of stock of the Guantanamo Sugar Company, a corporation whose assets were nationalized by the Government of Cuba. By Proposed Decision of September 15, 1971 the claim was denied for lack of evidence concerning the United States nationality of claimant's predecessor Theodore Beard who bought the stock in 1950 and 1951, and who died in 1967. Subsequently, satisfactory evidence has been received and by Final Decision of September 28, 1971 the claim was allowed in the amount of \$1,493.57 plus accrued interest.

After the issuance of the Final Decision the Commission was advised that the 30 shares of stock had been sold on May 21, 1971, and that the sale may adversely affect claimant's prior claim.

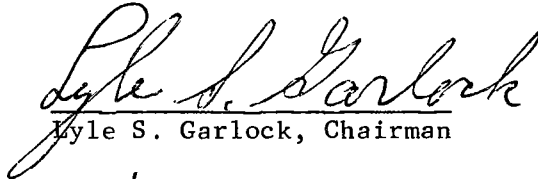
Upon its own motion, the Commission has reopened the claim and finds that the sale of the shares of stock of the Guantanamo Sugar Company transferred all interests vested with the ownership of the stock, including the claim for compensation arising from the nationalization of the company's assets, unless evidence is submitted to show that claimant has retained her interest in the claim for nationalization. No such evidence has been submitted and the Commission concludes that when claimant sold the stock, she also transferred all her rights and interests, including this claim. (See Claim of Harry Mitgang and Anna Mitgang, Claim No. CU-2649, 1967 FCSC Ann. Rep. 66).

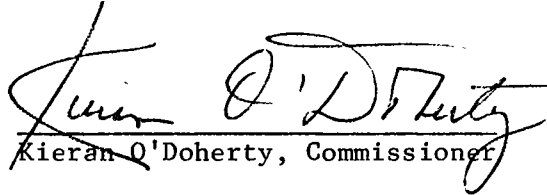
- 2 -

Accordingly, and for the foregoing reasons, the Final Decision of September 28, 1971 is set aside, and the Proposed Decision of September 15, 1971, denying the claim, is hereby affirmed.

Dated at Washington, D. C., and
entered as the Amended Final
Decision of the Commission

JUN 30 1972


Lyle S. Garlock, Chairman


Kieran O'Doherty, Commissioner

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

RUTH BEARD
by
THE SECOND NATIONAL BANK OF NEW HAVEN
as Attorney in Fact

Claim No CU-8741

Decision No. CU -6815

Under the International Claims Settlement
Act of 1949, as amended

FINAL DECISION

This claim was filed by THE SECOND NATIONAL BANK OF NEW HAVEN as Attorney in Fact for RUTH BEARD based on her beneficial ownership of 30 shares of stock of Guantanamo Sugar Company. It was denied on September 15, 1971, for failure of proof.

Since that time additional satisfactory evidence has been received.

In our decision entitled the Claim of Henrietta Mae Siegel (Claim No. CU-3478 which we incorporate herein by reference), we held that the properties owned by the Company were nationalized or otherwise taken by the Government of Cuba on August 6, 1960, and that this type of claim is compensable to an American national under the facts and conditions set forth therein. We need not again detail here the reasons or the method used in determining the value per share of \$49.7856.

On the basis of evidence in the record in the instant case, the Commission finds that this claimant and her predecessor in interest come within the terms of the Siegel decision; that they were American nationals at the requisite times; that Theodore Beard had been the owner of 30 shares of stock in the Guantanamo Sugar Company since prior to August 6, 1960; and that he suffered a loss in the amount of \$1,493.57 within the meaning of Title V of the Act to which claimant has succeeded. Further, the Commission

finds that the amount of loss sustained shall be increased by interest thereon at the rate of 6% per annum from August 6, 1960, the date of loss, to the date on which provisions are made for the settlement thereof. (See Siegel, supra.)

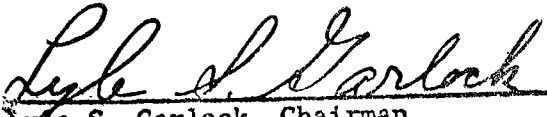
Accordingly the following Certification of Loss will be entered and in all other respects the Proposed Decision as amended herein is affirmed.

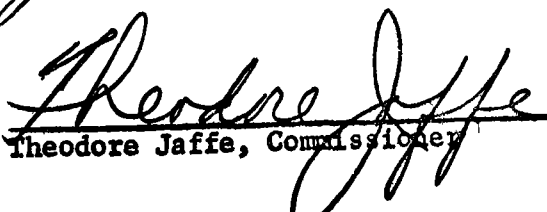
CERTIFICATION OF LOSS

The Commission certifies that RUTH BEARD succeeded to and suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of One Thousand Four Hundred Ninety-Three Dollars and Fifty-Seven Cents (\$1,493.57) with interest at 6% per annum from August 6, 1960 to the date of settlement.

Dated at Washington, D. C.,
and entered as the Final
Decision of the Commission

SEP 28 1971


Lyle S. Garlock, Chairman


Theodore Jaffe, Commissioner

NOTICE TO TREASURY: The above-referenced securities may not have been submitted to the Commission or if submitted, may have been returned; accordingly, no payment should be made until claimant establishes retention of the securities or the loss here certified.

The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

THE SECOND NATIONAL BANK OF NEW HAVEN
as Attorney in Fact for RUTH BEARD

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-8741

Decision No. CU

6815

PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$290.00, was presented by THE SECOND NATIONAL BANK OF NEW HAVEN as Attorney in Fact for RUTH BEARD and is based upon the asserted loss arising from 30 shares of Guantanamo Sugar Company stock.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term "property" means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

Section 504 of the Act provides, as to ownership of claims, that

(a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

The Regulations of the Commission provide:

The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim. (FCSC Reg., 45 C.F.R. §531.6(d) (1970).)

The claim is based on 30 shares of Guantanamo stock. The record includes copy of a birth certificate for one Ruth Hotchkiss Taintor. It appears that RUTH BEARD inherited this interest in 1967 from one Theodore Beard.

By several Commission letters, this claimant was advised to submit evidence of the United States nationality of the decedent. Claimant submitted a copy of the death certificate in which it is recited that the decedent was born in the United States.


Additional suggestions were made in several letters thereafter but no such evidence has since been submitted.

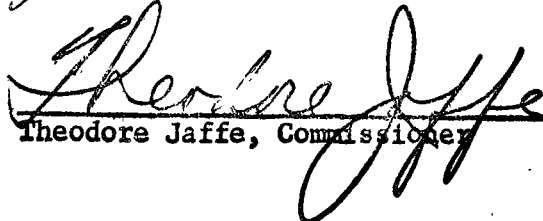
The Commission finds that claimant has not met the burden of proof in that it has failed to establish that the stock interest subject of this claim was owned by a United States national on the date of loss as required by the Act. Thus, the Commission is constrained to deny this claim and it is hereby denied. The Commission deems it unnecessary to make determinations with respect to other elements of the claim.

It may be noted that if this decision becomes final and if probative evidence as to the decedent's United States nationality is received in sufficient time to permit consideration thereof before the close of the program on June 30, 1972, the Commission will reopen the claim. Such evidence should be received on or before May 1, 1972, in order to permit adequate consideration thereof.

Dated at Washington, D. C.,
and entered as the Proposed
Decision of the Commission

SEP 15 1971


Lyle S. Garlock, Chairman


Theodore Jaffe, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g) as amended (1970).)